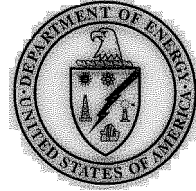


DOE/NE-ID-11125
Revision 1
June 2004



U.S. Department of Energy
Idaho Operations Office

Idaho National Engineering and Environmental Laboratory Sitewide Five-Year Review Plan for CERCLA Response Actions



**DOE/NE-ID-11125
Revision 1
Project No. 23689**

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June 2004

**Prepared for the
U.S. Department of Energy
Idaho Operations Office**

ABSTRACT

This plan establishes the process for the completion and presentation of a Sitewide Five-Year Review at the Idaho National Environmental and Engineering Laboratory (INEEL) as part of the Idaho Completion Project. The review will be conducted to meet the statutory mandate under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) § 121 or as a matter of Environmental Protection Agency (EPA) policy. The basis for these instructions is derived from the EPA *Comprehensive Five-Year Review Guidance* document.

Five-year reviews are conducted to evaluate the protectiveness of the selected remedy or remedies required by the individual records of decision. The five-year review provides a summary history of site background, contamination, and remediation. A review of each remedy's requirements and all applicable or relevant and appropriate requirements is also completed to determine the protectiveness of the selected remedy.

Performing the five-year review on an INEEL-wide basis will reduce repetitive documentation and paperwork, facilitate the integration of the reviews with other long-term stewardship requirements, reduce the possibility of overlooking issues that may be missed in segregated reviews, improve consistency across multiple waste area groups, and improve communication with stake holders by providing a single report.

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ACRONYMS

| | |
|--------|---|
| CERCLA | Comprehensive Environmental Response, Compensation, and Liability Act |
| CFLUP | Comprehensive Facility and Land Use Plan |
| DOE | U.S. Department of Energy |
| EPA | U.S. Environmental Protection Agency |
| ESD | explanation of significant differences |
| FFA/CO | Federal Facility Agreement and Consent Order |
| IC | institutional control |
| IDEQ | Idaho Department of Environmental Quality |
| INEEL | Idaho National Engineering and Environmental Laboratory |
| LTS | long-term stewardship |
| NPL | National Priorities List |
| OCVZ | organic contamination in the vadose zone |
| OU | operable unit |
| RCRA | Resource Conservation and Recovery Act |
| ROD | record of decision |
| RWMC | Radioactive Waste Management Complex |
| WAG | waste area group |

TERMS/DEFINITIONS

CERCLA decision document. Refers to action memorandums, RODs, ROD amendments, and ESDs.

CERCLA explanation of significant differences (ESD). A document explaining a significant change to a remedial action selected in a CERCLA ROD.

CERCLA record of decision (ROD). Official document presenting the selected decision for a remedial action. A ROD also documents a federal agency decision made on an environmental impact statement.

CERCLA ROD amendment. Documents a fundamental change to a remedial action in a previously issued ROD.

CERCLA site. For the purposes of this document, a site requiring institutional controls (ICs).

Institutional control (IC). The EPA defines ICs as non-engineered instruments, such as administrative and/or legal controls, that help to minimize the potential for human exposure to contamination and/or protect the integrity of a remedy. ICs work by limiting land or resource use and/or by providing information that helps modify or guide human behavior at the site. Some common examples of ICs include zoning restrictions, building or excavation permits, well drilling prohibitions and easements and covenants.

National Priorities List (NPL). A list, maintained by the U.S. Environmental Protection Agency, of uncontrolled hazardous waste sites that have releases of, or could release, hazardous substances to the environment and are subject to CERCLA.

Operable unit (OU). A waste area group (WAG) subset that is a potential source area to be investigated and/or remediated.

Policy Five-Year Review. A pre- or post-SARA remedial action that, upon completion, will not leave hazardous substances, pollutant, or contaminants on site above levels that allow for unlimited use and unrestricted exposure, but requires five years or more to complete. A pre-SARA remedial action that leaves hazardous substances, pollutants, or contaminants on site above levels that allow for unlimited use and unrestricted exposure (UU/UE).

Statutory Five-Year Review. A CERCLA required five-year review of a post-SARA remedial action that, upon completion, will leave hazardous substances, pollutants or contaminants on site above UU/UE levels.

Waste area group (WAG). The INEEL NPL site is divided into operational facility (geographic) areas WAGs to facilitate environmental remediation, with the exception of WAG 10; WAG 10 includes areas not in the other WAGs plus the Snake River Plain Aquifer.

Idaho National Engineering and Environmental Laboratory Sitewide Five-Year Review Plan for CERCLA Response Actions

1. INTRODUCTION/PURPOSE

The purpose of this plan is to establish the process for completing and presenting a sitewide five-year review at the Idaho National Environmental and Engineering Laboratory (INEEL) as part of the Idaho Completion Project. The Federal Facility Agreement and Consent Order (FFA/CO) (DOE-ID 1991) states that "... U.S. EPA may review response action(s) for Operable Units (OUs) that allow hazardous substances to remain on-site, no less often than every five (5) years after the initiation of the final response action for such OU to assure that human health and the environment are being protected by the response action being implemented." The five-year reviews at the INEEL Site are based on guidance in the *Comprehensive Five-Year Review Guidance* (EPA 2001), and the *CERCLA Five-Year Review Guide* from the Office of Environmental Management (EM), U.S. Department of Energy (DOE), March 2002 (DOE 2002). The guidance from EM states: "...as the lead agency, the DOE is responsible for conducting five-year reviews and documenting the findings in a report. Consequently, DOE personnel should identify, collect, and complete the necessary information and data to determine whether the engineered or institutional controls in place to prevent exposure continue to be fully protective of human health and the environment. The EPA's primary responsibility with respect to five-year reviews at DOE sites is to review the DOE's evaluation and findings and, following their review, issue a finding of concurrence or non-concurrence. Should a five-year review identify protectiveness concerns, the EPA will assist in evaluating appropriate corrective measures."

Five-year reviews are also mandated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 USC 9601 et seq.). On November 9, 2002, the U.S. Environmental Protection Agency (EPA) and the Idaho Department of Environmental Quality (IDEQ) approved and issued the Record of Decision (ROD) for Waste Area Group (WAG) 10 Operable Unit (OU) 10-04 (DOE-ID 2002) at the Idaho National Engineering and Environmental Laboratory (INEEL). This ROD requires a sitewide approach to conducting the five-year reviews. The DOE Idaho Operations Office prepared this plan to include those CERCLA WAGs and OUs under direct control of the DOE; therefore, this plan excludes WAG 8. DOE Idaho may revise this plan at a later date to include WAG 8. Guidance in the FFA/CO does not require the five-year review report to be either a primary or secondary document. Refer to Attachment A of this document for the management control procedure (MCP-1302) for five-year reviews at the INEEL.

Protecting the Snake River Plain Aquifer is of paramount importance and a focal point of all RODs at the INEEL. The groundwater underlies every WAG and a single review will better reflect groundwater issues. Performing the five-year review on an INEEL-wide basis will also provide the following advantages over separate reviews:

- Reduce repetitive documentation and paperwork
- Facilitate the integration of the reviews with other long-term stewardship (LTS) requirements
- Be cost effective for the tax payer
- Reduce the possibility of overlooking issues that may be missed in segregated reviews

- Improve consistency across multiple waste area groups
- Improve communication with stake holders by providing a single report
- Make it easier for the public to keep abreast of progress at the INEEL.

While a five-year interval is suggested for reviews, a shorter interval is acceptable and in some cases will be necessary to synchronize the review process across the INEEL.

The INEEL Site was listed by the EPA on the National Priorities List (NPL) on November 21, 1989. Since that time, numerous RODs have been signed, implemented, and in some cases, incorporated into comprehensive RODs. The INEEL Site is divided into waste area groups (WAGs) by function and geography. Refer to Figure 1 for the map showing the waste area groups at the INEEL Site. Operable units within the WAGs have further divided remediations at the WAGs. As remedial actions progress, comprehensive RODs have replaced previous RODs. Eventually, one comprehensive ROD will contain all remaining activities across the INEEL Site, and at present any new CERCLA sites that are identified are included in this final comprehensive ROD. This plan provides guidance to evaluate the protectiveness of the selected remedies established in the following CERCLA RODs:

WAG 1

- *Final Record of Decision for Test Area North, Waste Area Group 1 Operable Unit 1-10, DOE/ID-10682, Rev. 0, October 1999.*
- *Record of Decision (ROD) for TSF-05 Injection Well and Surrounding Groundwater (GW) Contamination TSF-23 and Miscellaneous No Action Sites Final Remedial Action, DOE/ID-10139, August 1995.*
- *Explanation of Significant Differences for the Record of Decision for the Test Area North Operable Unit 1-10 ESD, DOE/ID-11050, Rev. 0, April 2003.*
- *Record of Decision (ROD) Amendment – Technical Support Facility Injection Well TSF-05 and Surrounding Groundwater Contamination TSF-23 and Miscellaneous No Action Sites, Final Remedial Action (RA), DOE/ID-10139 Amendment, September 2001.*

WAG 2

- *Final Record of Decision Test Reactor Area, Waste Area Group 2, Operable Unit 2-13, DOE/ID-10586, December 1997.*
- *Explanation of Significant Differences to the Record of Decision for the Test Reactor Area Operable Unit 2-13, DOE/ID-10744, Rev. 0, May 2000.*

WAG 3

- *WAG 3 Final Record Of Decision, Idaho Nuclear Technology and Engineering Center, Waste Area Group 3 Operable Unit 3-13, DOE/ID-10660, October 1999.*

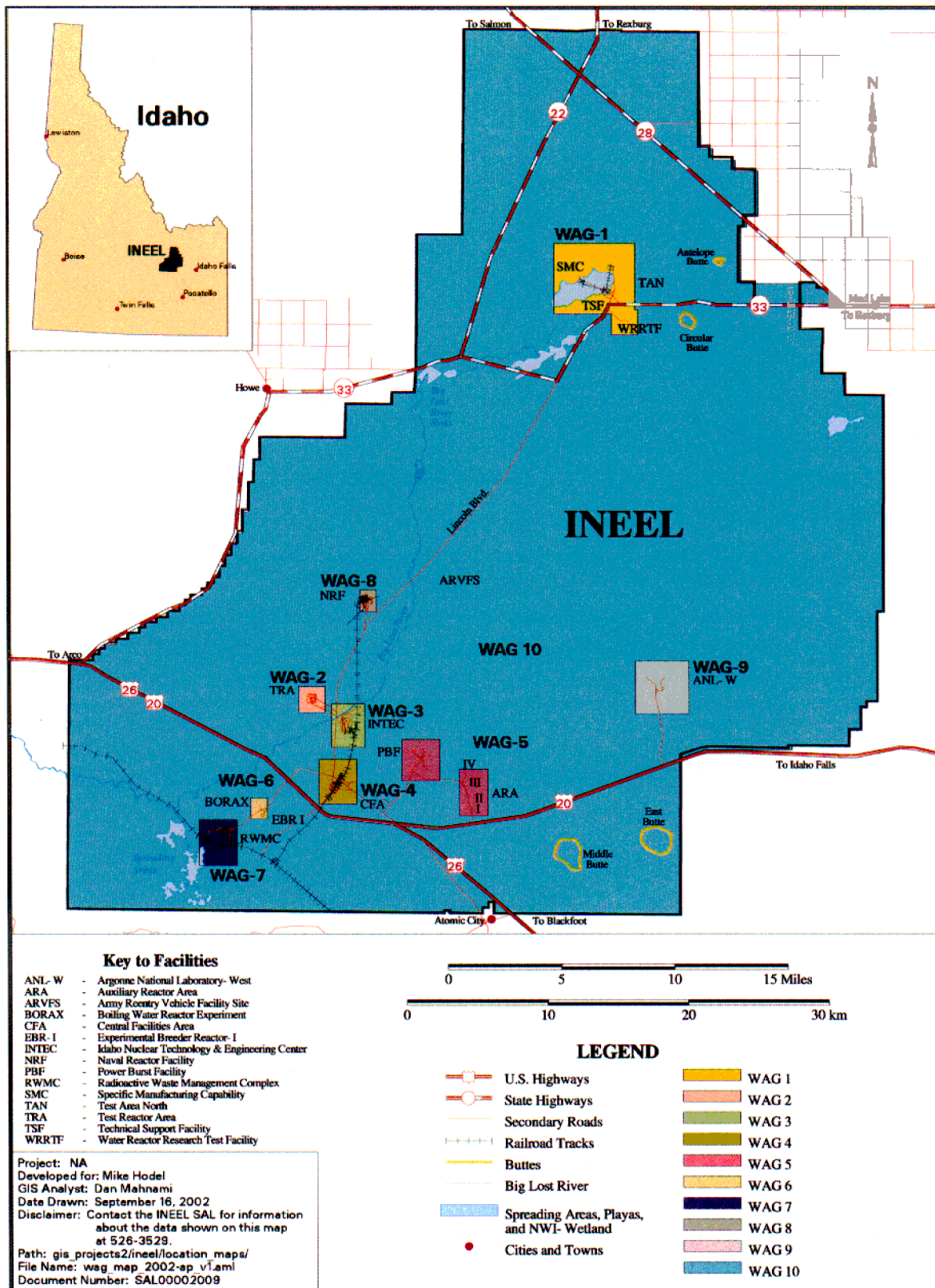


Figure 1. INEEL Site map showing WAG locations.

WAG 4

- *WAG 4 Final Comprehensive Record of Decision for Central Facilities Area Operable Unit 4-13, DOE/ID-10719, Rev. 2, July 2000.*

WAG 5

- *WAG 5 Record of Decision for Power Burst Facility Auxiliary Reactor Area (PBF/ARA) Operable Unit 5-12, DOE/ID-10700, Rev. 0, January 2000.*

WAGs 6 and 10

- *Record of Decision (ROD) for Experimental Breeder Reactor I & Boiling Water Reactor Experiment Area (EBR-1/Borax) Operable Units (OU) 10-04 and 6-05 and Miscellaneous Sites, DOE/ID-10980, Rev. 0, November 2002.*

WAG 7

- *Record of Decision (ROD): Declaration for PAD-A at the Radioactive Waste Management Complex (RWMC) Subsurface Disposal Area (SDA), February 1994.*
- *Record of Decision (ROD) for Organic Contamination in the Vadose Zone (OCVZ), RWMC, INEL, December 1994.*
- *Record of Decision (ROD) – Declaration for Pit 9 at the Radioactive Waste Management Complex (RWMC) Subsurface Disposal Area (SDA), October 1993.*

WAG 8 (Currently funded through Naval Reactors Program)

- *Final Record of Decision Naval Reactors Facility Operable Unit 8-08, September 30, 1998*

WAG 9 (In 2005 WAG 9 will be under DOE Idaho direction.)

- *Final Record of Decision Argonne National Laboratory – West, September 29, 1998, W7500-000-ES-04*

2. SCOPE

In accordance with the *Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Five-Year Review Guide* from the Office of Environmental Management, Department of Energy, March 2002 (DOE 2002), the five-year review should be used to:

1. Evaluate whether the remedy is operational and functional
2. Evaluate those assumptions critical to the effectiveness of remedial measures or the protection of human health and the environment made at the time of the remedial decision to determine, given current information, whether these assumptions are still valid
3. Determine what corrective measures are required to address any identified deficiencies
4. Evaluate whether there are opportunities to optimize the long-term performance of the remedy or reduce life-cycle costs.

Each of these primary focus areas is discussed in more detail below.

2.1 Operational and Functional Remedy

To evaluate whether a remedy is operational and functional, the decision document must be reviewed. The status of a remedial action must be compared to the ROD commitments in order to measure if human health and the environment are protected as intended. Implicit in any determination that a remedy is operating properly and successfully is the assumption that performance expectations/measures have been established. If no formal basis for assessing performance has been previously agreed to, one should be established and completed as a part of the first five-year review.

2.2 Validity of Assumptions

The five-year review is an opportunity to confirm the continuing validity of the critical assumptions made at the time of the remedial decision. As used here, a critical assumption is one that, if invalid, puts the protectiveness of the remedy in question. In general, critical assumptions are:

- Assumptions regarding future land use. These assumptions may require evaluation if areas are opened for less restricted uses, such as grazing or hunting, at some future time.
- Assumptions regarding site conditions. A number of assumptions about site conditions are made in the process of determining a selected remedy. Actual site conditions may vary from the assumed site conditions. Whether an assumption about site conditions is critical will depend on the degree to which the remedy performance is based on that assumption.
- Assumptions regarding contaminant toxicity. Modification to a toxicity value or methodology or changes in regulatory standards may result in the need to revisit previous risk calculations to ensure no unacceptable risks are posed to human health and the environment.
- Other assumptions if applicable.

2.3 Corrective Measures to Address Identified Deficiencies

As stated in the FFA/CO, "If upon such (five-year) review it is the judgment of U.S. EPA, after consultation with IDHW, that additional action or modification of the response action is appropriate . . . U.S. EPA and IDHW may require U.S. DOE to implement such Additional Work pursuant to Part XV." The level of effort required for determining the appropriate corrective measure for an identified deficiency will depend on the significance of the deficiency. In general, a deficiency is insignificant if it does not raise substantive protectiveness concerns and the required fix does not entail changing the nature of the remedy. Examples of insignificant deficiency include a missing warning sign, plant growth on a surface barrier, or cap erosion noted. A significant deficiency exists when there is a substantive concern about the protectiveness of the remedy. Examples of significant deficiencies include, but are not limited to, the following:

- A containment cell is leaking and monitoring shows that containments are leaching to the ground water.
- Actual site conditions, discovered through monitoring for natural attenuation remedy, are different than originally assumed and the ground water plume is migrating.
- Residential homes are under construction on lands designated for recreational use only.

If deficiencies that do not directly impact the protectiveness of the remedy are found during the 5-year review, project managers may identify and implement the appropriate action without formal consultation with overseeing agencies and simply report on the action taken.

2.4 Remedy Optimization

Optimizing a remedy may include measures to improve the performance of the remedy or measures to reduce associated monitoring, sampling, or maintenance costs. During the five-year review, it may be determined that institutional controls are no longer needed at some sites, for example. For long-term remedial actions, managers, with agency concurrence, should evaluate whether enhancements to the remedy can be implemented that would expedite the attainment of the remedial objectives and if they are cost effective. In some situations, new technologies may become available that allow environmental contamination to be remediated in a manner not possible at the time the remedy was selected.

As confidence grows that a remedy is performing as expected, the remedy may be optimized by scaling back the frequency, location, or scope of monitoring that may no longer be necessary as uncertainties are reduced. For example, if a “pump and treat” remedy has been implemented to control a ground water plume, some monitoring wells may become unnecessary, as they no longer register contamination levels above cleanup levels after the plume has contracted. Under these circumstances, the sampling plan should be revised to eliminate these wells from the sampling routine or reduce the frequency of their sampling. It also may be possible to remove specific ground water extraction wells from service and increase the pumping rate in others to optimize ground water remediation.

3. METHODOLOGY OF SITEWIDE FIVE-YEAR REVIEW

Management Control Procedure (MCP)-1302, “INEEL – Five-Year Review for CERCLA Response Actions,” provides instructions for conducting a five-year review at the INEEL Site. This MCP, which is found in Attachment A, guides the process from establishing a review team, notifying the community, establishing schedules, and gathering data through reporting and communicating results. In transitioning from separate reviews to a site-wide review format, the individual WAGs will be reported in separate sections. The report will summarize the results of the review and discuss issues, both past and emerging. Supporting data and information will be included in appendices as needed. WAGs that have not participated previously in a five-year review will act as lead over review activities at that WAG during the first five-year review. Assistance from the Long-Term Stewardship Program will be provided if requested. Sitewide five-year reviews will be reported under the direction of the DOE Idaho Operations Office by the Long-Term Stewardship Program.

The Sitewide review at the INEEL will cover multiple remedies and operable units, both active and inactive. The status and progress of each site in the CERCLA cleanup process will be considered. Generally, the sites can be sorted into four general categories listed below in Section 3.1, through 3.4, according to each site’s progress through the CERCLA cleanup process. The four focus areas discussed in Section 2 are applied to these categories. While the five-year review will be reported on a WAG basis, all CERCLA sites across the INEEL can be sorted into the four categories below.

3.1 No Action Sites

Sites that have progressed through the CERCLA investigation phase and are closed without implementing any remedial action are categorized as No Action sites. Because these No Action sites are closed, they will not require evaluation in the five-year review.

3.2 Remedy Complete Sites

Remedy complete sites are sites on which:

- One or more of the CERCLA investigation phases has been completed
- A remedial decision was made
- The approved remedial action was taken
- Remediation is complete
- No hazards remain
- Institutional controls are not required.

Because the remedies are complete and these sites are closed, they will not require evaluation in the five-year review.

3.3 Sites with Functioning Remedy

Sites that have progressed through one or more of the CERCLA investigation phases, a remedial decision was made, a remedial action was approved, and the remedial action is either awaiting implementation or is currently in progress are classified as sites with functioning remedies. These sites remain active and will not be closed until the remedial actions are complete. Examples of sites with functioning remedies include the following: ground water contamination at Test Area North (WAG 1), soil under buildings at INTEC (WAG 3), soil and vadose contamination at WAG 7, and unexploded ordnance at WAG 10.

Sites where active treatment is complete, but the land-use is restricted or other institutional controls remain in effect, will be included with sites that have functioning remedies for the purposes of the five-year report. Sites designated as No Further Action may be considered in this category if hazards remain and institutional controls are in place. Typically, these sites require no remedial activity, but are controlled pending the natural decay of radioactive contaminants. Examples of remedy complete sites with institutional controls include the French Drains at Central Facilities Area (WAG 4) and the IET stack rubble site at TAN (WAG 1).

Sites where remedies are functioning will be evaluated to determine if the remedy is functioning as intended (Section 2.1) and if there are any changes in exposure assumptions, toxicity data, cleanup levels, or remedial action objectives (Section 2.2); and if any other information has come to light that could call into question the protectiveness of the remedy (Section 2.3). These sites should also be evaluated in regards to remedy optimization (Section 2.4). The five-year review is the appropriate time to revise a site designation from No Further Action to No Action and remove institutional controls.

3.4 Sites Under Investigation

A review of new sites that are currently in one of the investigation phases of the CERCLA process can be deferred until investigations are complete, and a remedial decision is made. Details regarding these sites will be reported in the next five-year review.

4. DOCUMENTATION OF FINDINGS

Histories of the WAGs and associated data are contained in the Administrative Record, in post-decision document files, or LTS files; therefore, this information will not be duplicated in five-year review reports. Only a brief chronological history of each WAG (problems discovered, remedial action objectives, and remedies implemented) shall be prepared. Primarily, the five-year reports shall serve to summarize any substantive findings and conclusions reached from monitoring and maintenance activities complied over the previous five years, and any corrective measures taken or being recommended to address identified deficiencies.

In addition to remedial actions performed under CERCLA, closures under the Resource Conservation and Recovery Act (RCRA) are being implemented at the INEEL Site. Status of these activities will be included in the sitewide five-year review. Although a five-year review of RCRA actions is not required, these actions may result in hazards being left in place at some sites, which will require institutional control. Including an overview of RCRA activities in the five-year review will allow for the identification of trends that can be used for decision making, provide a truly comprehensive review, and better reflect the scope of activities in long-term stewardship.

The report of the five-year review is not designated as a primary or a secondary document in the FFA/CO. The report shall be compiled on a sitewide basis with subdivisions on each WAG.

5. TIMING OF REVIEWS

In accordance with the FFA/CO and EPA guidance, the date a remedial action is initiated in the field becomes the trigger for the five-year review clock. Refer to Table 1 for a listing of INEEL RODs, ESDs, approximate date of remedial actions, and dates of five-year reviews that have been performed. In 2000, the EPA performed a comprehensive review at the INEEL. (*Idaho National Engineering and Environmental Laboratory Superfund Site, Idaho Falls, Idaho, Five Year Review Report* [EPA 2000]).

It is recommended that a sitewide five-year review be performed during FY 2005. WAGs that have not participated previously in a five-year review will act as lead over review activities at that WAG during the first five-year review. Assistance from the Long-Term Stewardship Program will be provided if requested. The 2005 review will be reported under the leadership of the Long-Term Stewardship Program with sections reporting from each WAG. The FY 2005 report will constitute the first five-year review for WAG 1, WAG 3, WAG 6/10, and WAG 7 (OCVZ), and the first five-year review under a comprehensive ROD for WAGs 4 and 5.

6. RELATIONSHIP TO OTHER REPORTING REQUIREMENTS/REVIEWS

To facilitate the coordination of reviews and reporting requirements, all data and related environmental reports shall be housed electronically in the Electronic Document Management System files at the INEEL. This includes data collected in support of five-year reviews, as well as those data collected for other reporting requirements such as RCRA post-closure permit requirements, annual environmental monitoring reports, and annual CERCLA inspection reports. This will promote consistency in the data and reports being released to the public and regulators. It will also optimize the monitoring and data collection and storage across all programs and minimize duplicative sampling and analysis.

Table 1. Summary of five-year CERCLA reviews.

| WAG | Operable Unit | ROD/ESD/ Amendment Date | Initiation of Remedial Action | Five-Year Review Completed | Mandated Date | Planned Date |
|----------|---|---------------------------------|----------------------------------|-------------------------------|----------------------------------|--------------------------------|
| WAG 1 | OU 1-07B OU 1-10 | 1995/1997/2001 1999 | 1995 February 2000 | — — | 2006 February 2005 | 2005 2005 |
| WAG 2 | OU 2-13 | 1997 | December 97 | August 2003 | 2008 (2nd Review) | 2005 |
| WAG 3 | OU 3-13 OU 3-14 | 1999 Pending | October 2000 — | — — | October 2006 — | 2005 — |
| WAG 4 | OU 4-03 (Landfills) OU 4-13 (Comprehensive) | 1995 2000 | 1996 May 2001 | November 2002 — | Rolled into OU 4-13 2006 | Rolled into OU 4-13 2005 |
| WAG 5 | OU 5-05 (SL-1 burial ground) OU 5-12 (Comprehensive) | 1995 2000 | 1996 June 2000 | 2001 — | Rolled into OU 5-12 June 2005 | Rolled into OU 5-12 2005 |
| WAG 6/10 | OU 6-05 and OU 10-04 | 2002 | February 2004 | | November 2009 | 2005 |
| WAG 7 | OU 7-08 (OCVZ) OU 7-10 (Pit 9) OU 7-12 (Pad A) OU 7-13/14 | 1994 1993 1994 Pending | 1995 Pending 1994 — | 2003 — 2003 — | 2008 — 2008 — | 2005 — 2005 — |

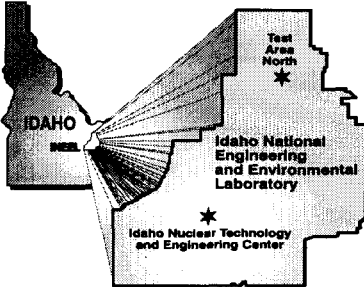
Note: a site-wide review was performed in 2000 and reported in *Idaho National Engineering and Environmental Laboratory Superfund Site, Idaho Falls, Idaho, Five Year Review Report* (EPA 2000).

7. PUBLIC INVOLVEMENT

The public must remain fully informed of all on-going activities at the site, including, but not limited to, the schedule and scope of five-year reviews. Refer to the *Community Relations Plan* (DOE-ID 2004), for a guide to CERCLA public involvement at the INEEL. A public announcement of the DOE's intent to initiate a five-year review shall be prepared so interested parties may participate as appropriate. Once the reviews are complete, copies of the report shall be placed in appropriate information repositories. Figure 2 shows the format of a typical public announcement.

NOTICE OF AVAILABILITY

DOE proposes demolition of Remote Analytical Facility building at INEEL



The U.S. Department of Energy is seeking public comment through April 30 on its plan to demolish an obsolete laboratory facility at the Idaho National Engineering and Environmental Laboratory. DOE is accepting public comments through April 30.

Details about DOE's plan to demolish CPP-627 are contained in an "Engineering Evaluation and Cost Analysis," or EE/CA, recently published by DOE. The facility housed the Remote Analytical Facility and other nuclear analytical and experimental capabilities at the Idaho Nuclear Technology and Engineering Center (INTEC).

The 15,000-square-foot building CPP-627 was constructed in 1955 as part of a larger

group of buildings called the Fuel Reprocessing Complex at INTEC. It was built to house experimental and decontamination facilities in support of fuel reprocessing operations that took place in nearby building 601. Active use of the building ceased in 1997, and the building is known to contain radiological and chemically hazardous substances. It contains several glovebox lines and other equipment used for experiments and spent nuclear fuel reprocessing sample analyses.

No contamination is known to have been released from the building. However, removal and proper disposal of the building and the contaminants it contains will reduce the risk of contaminants reaching the environment.

Once the building is demolished and the debris sent to the INEEL CERCLA Disposal Facility, the soil underneath the remaining concrete slab and the slab itself will be sampled. Sample results will guide decisions about further action.


Public comments can be submitted online at <http://cleanup.inel.gov> or by sending comments to:

Jim Cooper
Department of Energy
P.O. Box 1625 MS 1154
Idaho Falls, Idaho 83415-1154
cooperjr@id.doe.gov

The following document is now available in the Administrative Record file for Waste Area Group 3. DOE is accepting comments on this document through April 30th.

- **Engineering Evaluation/Cost Analysis for the Decontamination and Decommissioning of Building CPP-627, the Remote Analytical Facility**

Detailed information is available in the Administrative Record file for Waste Area Group 3, which covers environmental remediation at the INTEC facility. The Administrative Record is located at the DOE Reading Room of the INEEL Technical Library in Idaho Falls. Copies can be found at Albertsons Library on the Boise State University campus. The Administrative Record can be accessed on the Internet at <http://ar.inel.gov/>.



G1193-01

Figure 2. Example of an INEEL public announcement.

If significant deficiencies are noted during in the five-year review, which require corrective measures, the public shall be involved. Should a five-year review identify the potential need to implement a previously identified contingency to correct a remedy failure, and that contingency was discussed in the original decision, it may be adequate to simply notify the public through an Explanation of Significant Difference (ESD) that the contingency plan is being implemented. However, if a review finds the original remedy is failing, and a new remedy is necessary, then those community participation requirements under which the original remedy was selected would be applicable to the selection of the new remedy. If the corrective measures identified in the five-year review address insignificant deficiencies, the actions shall be documented in the report and recorded in the files without public notification prior to taking the measures.

The *Idaho National Engineering and Environmental Laboratory Comprehensive Facility and Land Use Plan* (CFLUP) (DOE-ID 1997b) shall track, or include by reference, any permitting changes, renovation work on structures, well placement and drilling, construction, or other activities that could occur on INEEL CERCLA sites. The CERCLA module of the CFLUP is publicly available at <http://cflup.inel.gov> and is an important tool in communicating information within the INEEL and to the public. Data and results from the sitewide five-year reviews will be incorporated into the CFLUP as needed.

8. REFERENCES

42 USC 9601 et seq., 1980, "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," Public Law 96-510, as amended.

DOE, 2002, *Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Five-Year Review Guide*, Office of Environmental Management, U.S. Department of Energy, Washington, DC, http://www.em.doe.gov/er/Five_Year_Review_508.pdf, March 2002.

DOE-ID, 1991, *Federal Facility Agreement and Consent Order for the Idaho National Engineering Laboratory*, Administrative Docket No. 1088-06-120, U.S. Department of Energy Idaho Field Office, U.S. Environmental Protection Agency Region 10, and State of Idaho Department of Health and Welfare, December 9, 1991.

DOE-ID, 1993, *Record of Decision – Declaration for PIT 9 at the Radioactive Waste Management Complex Subsurface Disposal Area*, U.S. Department of Energy Idaho Operations Office, October 1993.

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DOE-ID, 1994b, *Record of Decision: Declaration for Organic Contamination in the Vadose Zone (OCVZ), RWMC, INEL*, U.S. Department of Energy Idaho Operations Office, December 1994.

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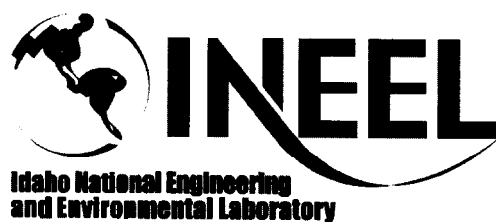
Attachment A

MCP-1302, INEEL-Five-Year Review for CERCLA Response Actions

Management Control Procedure

PROJECT NO. 23037

INEEL—Five-Year Review for CERCLA Response Actions



| | | | |
|---|---------------------------------|---|--|
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| Idaho Completion Project | Management Control Procedure | For Additional Info: http://EDMS | Effective Date: 11/04/03 Change Number: <u>104982</u> |

USE Type 3

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1. PURPOSE

This procedure provides instructions for conducting the five-year review mandated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) §121, as a matter of Environmental Protection Agency (EPA) policy.

A CERCLA §121 five-year review (EPA 2001) is required at any site where hazardous substances, pollutants, or contaminants remain on site after remediation. The National Oil and Hazardous Substances Pollution Contingency Plan dictates that remedial actions which result in hazardous substances, pollutants, or contaminants remaining at the site above levels that allow for unlimited use and unrestricted exposure be reviewed every 5 years to ensure that human health and the environment are protected. Five-year reviews are conducted to evaluate the protectiveness of the selected remedy or remedies required by the Record of Decision (ROD). The five-year review provides a summary history of site background, contamination, and remediation. A review of the remedy's requirements and all applicable or relevant and appropriate requirements (ARARs) are also completed to determine the protectiveness of the selected remedy.

This management control procedure (MCP) provides instructions for completing the five-year review process. The basis for these instructions is derived from the EPA's *Comprehensive Five-Year Review Guidance* document (EPA 2001). The guidance document should be used in conjunction with this MCP to ensure instructions in this MCP do not materially conflict with the EPA guidance. The EPA retains final authority in determining the protectiveness of the remedy; therefore, the recommended text and format within the guidance should be followed when possible.

2. SCOPE

This procedure applies to all company employees and subcontracted personnel conducting any five-year review of a ROD. This procedure is applicable only to CERCLA *statutory* (see def.) and *policy* (see def.) five-year reviews and is not applicable to any other type of review. This procedure is a supplemental guide to the EPA or Department of Energy (DOE) guidance for five-year reviews. The EPA guidance document should be reviewed for further explanation and guidance when conducting a five-year review. The procedure presented here should not be considered an enforceable template for five-year reviews since each site may have unique requirements.

The five-year review process is summarized in Appendix A, "Five-Year Review Process Overview," and includes: (1) establishing a review team, (2) notifying the community, (3) establishing schedules, (4) gathering and reviewing appropriate documents and data, (5) writing the report, and (6) communicating the findings of the report to the community and to DOE and EPA. Refer to Appendix B, for a detailed description of the review process.

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3. RESPONSIBILITIES/PREREQUISITES

3.1 Responsibilities

| Performer | Responsibilities |
|--|---|
| Contractor Task Lead for WAG Responsibilities | Assemble Five-Year Review Team, retain overall responsibility for completion of the Five-Year Review Report, serve as a member of the Contractor Five-Year Review Team. |
| Contractor Five-Year Review Team | Obtain required documents, reports, information, and data required for completion of the five-year review. Review appropriate documents, information and data, and prepare the Five-Year Review Report. |
| Document Review Committee | Review the administrative Five-Year Review Report and submit review comments to the Contractor Five-Year Review Team. |
| Public Affairs | Draft, edit, and publish public notices of intent to conduct and completion of the five-year review. Submit the public notice of intent and the notice of completion to the Administrative Record (AR) Coordinator. |
| Department of Energy, Idaho Operations Office (NE-ID) ¹ | Review and approve the public notices of intent and completion. Review and submit comments on the five-year review. Approve finalized Five-Year Review Report for submission to the Idaho Department of Environmental Quality (IDEQ) and the EPA. |
| Document Control | Issue the finalized Five-Year Review Report and forward a completed copy to the AR Coordinator. |
| AR Coordinator | Add the finalized Five-Year Review Report, public notice of intent, and notice of completion to the Information Repository (IR). |
| Agencies (EPA and IDEQ) | Review and approve public notices and Five-Year Review Report. Negotiate resolutions to any issues found during the Five-Year Review. Make final determination of the protectiveness of the remedy and submit the Five-Year Review Report and memorandum to EPA Headquarters. |

1. NE-ID signifies that the DOE Idaho Operations Office reports to DOE's Office of Nuclear Energy.

**INEEL—FIVE-YEAR REVIEW FOR CERCLA
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Revision: 0
Page: 4 of 19**3.2 Prerequisites**

None.

4. INSTRUCTIONS**4.1 Review Team Assembly**

4.1.1 Contractor Task Lead for WAG Responsibilities: Notify Public Affairs of intent to conduct a Five-Year Review.

4.1.2 Contractor Task Lead for WAG Responsibilities: Establish a Contractor Five-Year Review Team including, but not limited to, a hydrogeologist, geophysicist/geochemist, environmental engineer, quality engineer, environmental affairs technician, and any other applicable personnel deemed necessary and capable to complete the review requirements of the Five-Year Review.

4.2 Public Notification

4.2.1 Public Affairs: Draft a Public Notice announcing intent to conduct a Five-Year Review.

4.2.2 Submit the draft Public Notice to the Contractor Five-Year Review Team.

4.2.3 Contractor Five-Year Review Team: Review and comment on the draft Public Notice received from Public Affairs.

4.2.4 Return the draft Public Notice and comments to Public Affairs.

4.2.5 Public Affairs: Address comments from Contractor Five-Year Review Team.

4.2.6 Submit the draft Public Notice to NE-ID.

NOTE: *Upon receipt of the draft Public Notice from Public Affairs, NE-ID will review and comment on the draft and return it to Public Affairs.*

4.2.7 Public Affairs: Address comments from NE-ID.

4.2.8 Obtain NE-ID approval of the Public Notice.

4.2.9 Submit NE-ID-approved Public Notice to the Contractor Task Lead for WAG Responsibilities for final approval.

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- 4.2.10 Contractor Task Lead for WAG Responsibilities: Review and approve the Public Notice received from Public Affairs.
- 4.2.11 Public Affairs: Publish the Public Notice of commencement of Five Year Review after receiving Contractor Task Lead for WAG Responsibilities' final approval.
- 4.2.12 Forward any community input to the Contractor Five-Year Review Team.
- 4.2.13 Submit Public Notice to AR Coordinator.

4.3 Scheduling

- 4.3.1 Determine the trigger date for the Five-Year Review.

NOTE: *Since the Federal Facility Agreement and Consent Order (FFA/CO) was signed post-SARA (Superfund Amendments and Reauthorization Act of 1986), all five-year reviews conducted at the INEEL will be statutory Five-Year Reviews. Statutory Five-Year Reviews are triggered by the date of the first remediation on the site, typically the date of the on-site mobilization for the remedial activity. For remedies where mobilization may not occur, the date of the first monitoring event after the signature of the ROD or the ROD signature itself should be used as the trigger date. When multiple remedial actions exist, the earliest remedial action that left hazardous substances, pollutants, or contaminants on site should trigger the initial review (EPA 2001).*

- 4.3.2 Determine the schedule and completion dates for the Five-Year Review.

4.4 Document Review

- 4.4.1 Contractor Five-Year Review Team: Obtain and review all requirement documents and complete the Document Review Checklist (Appendix C). Documents include, but are not limited to the following:
 - A. Records of Decision
 - B. Explanation of Significant Differences (ESD) for each ROD
 - C. ROD Amendments
 - D. Remedial Action Reports
 - E. Technical Memorandums

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- F. Operation and Maintenance Reports
 - G. Institutional Control Reports
 - H. New Site Identification (NSI) Forms
 - I. Previous Five-Year Reviews
 - J. Monitoring Reports
 - K. EPA Guidance for Five-Year Reviews
 - L. DOE Guidance for Five-Year Reviews
 - M. NSI Forms, draft and final.
- 4.4.2 Contractor Five-Year Review Team: List all sites included in the Five-Year Review and group them by their ROD, using the checklist in Appendix D.
- 4.4.3 List all official requirements specified in the ROD(s) for each site in the third column of the Appendix D checklist.
- 4.4.4 Obtain Site Inspection Forms.
- 4.4.5 If site inspections have been performed within the last 6 months, proceed to Step 4.4.7; if not, proceed to Step 4.4.6.
- 4.4.6 Perform site inspections, completing the *Site Inspection Form CERCLA Institutional Control Sites*.
- 4.4.7 Obtain all applicable information for each site listed within the requirement documents (i.e., groundwater monitoring data, effluent discharge data, and any other data or report not obtained in Step 4.4.1).
- 4.4.8 Review all applicable information for each site listed within the requirement documents.
- 4.4.9 Review all ARARs.
- 4.4.9.1 If the ARARs have not changed, then proceed to Step 4.5.
 - 4.4.9.2 If the ARARs have changed, then proceed to Step 4.4.10.

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4.4.10 Initiate one of the following resolutions, as appropriate:

- 4.4.10.1 IF the selected remedy is not protective
AND an alternative remedy is selected,
THEN a ROD Amendment must be completed.
- 4.4.10.2 IF the selected remedy is not protective
AND an alteration to the remedy must be made,
THEN an ESD to the ROD must be completed.
- 4.4.10.3 IF the protectiveness of the remedies cannot be determined
AND a ROD Amendment or an ESD to the ROD are not
justifiable,
THEN other options may be negotiated with the Agencies to
ensure protection of human health and the environment.

4.4.11 When the issue(s) are resolved, proceed to Step 4.5.

4.5 Draft Five-Year Review Report Preparation

4.5.1 Contractor Five-Year Review Team: Prepare a draft Five-Year Review Report in accordance with the EPA Guidance document, incorporating all data, information, community response, etc. Include the following sections in the report.

- Introduction.
- Purpose.
- Site Chronology.
- Background. Include subsections on Physical Characteristics, Land and Resource Use, History of Contamination and Initial Response, Basis for Action, and any other applicable information deemed necessary or required.
- Remedial Action.
- Progress Since Last Five-Year Review. Section should include any changes in the requirements of the site or sites being reviewed. This may include the addition or cessation of monitoring, ICs, or any change in activities required since the last five-year review.
- Five-Year Review Process. Include subsections on Administrative Component, Community Involvement, Site

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Inspections, Document Review, Review of Enforceable Milestones and site interviews if applicable.

- Ongoing Remediation (if applicable). Include all applicable and relevant information (i.e., groundwater monitoring).
- Technical Assessment. Include the following headings:
 - “Question A: Is the remedy functioning as intended by the Decision Documents?”
 - “Question B: Are the exposure assumptions, toxicity data, clean-up levels, and remedial action objectives used at the time of the remedy still valid?”
 - “Question C: Has any other information come to light that could call into question the protectiveness of the remedy?”
 - “Technical Assessment Summary.”
- Issues. Discuss issues, if any, which developed during the Five-Year Review.
- Recommendations and Follow-up Actions. Discuss recommendations and follow-up activities for the issues described in the Issues section. Recommendations may also include suggested changes in the requirements of the sites. Such changes might include the alteration of a monitoring schedule or analyte list, changes in ICs, or any other alteration, addition, or cessation in activities that may be required or deemed necessary at that site.
- Protectiveness Statement. All data regarding the remedy should be considered during the drafting of this section. Particular attention should be given to the answers to Questions A, B, and C of the Technical Assessment Section.
- Next Review. Provide a projected date for the completion of the next Five-Year Review, as applicable.
- References.
- Executive Summary or Abstract.

4.5.2 Contractor Five-Year Review Team: Attach all necessary data, forms, bibliography, etc., to the draft Five-Year Review Report as appendices.

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- 4.5.3 Evaluate the entire Five-Year Review Report against the EPA Guidance for Five-Year Reviews, using the Appendix E checklist provided therein (EPA 2001) to ensure that the report meets the EPA guidelines and criteria.

NOTE: *Before sending the Five-Year Review Report to the Document Review Committee, it should be sent to Tech Pubs for editing. The technical editor will return the report to the Contractor Five-Year Review Team when tech editing is complete.*

- 4.5.4 Submit draft Five-Year Review Report to the Document Review Committee.

- 4.5.5 Document Review Committee: Review and comment on the draft Five-Year Review Report received from the Contractor Five-Year Review Team.

- 4.5.6 Return the draft Five-Year Review Report, with comments, to the Contractor Five-Year Review Team.

- 4.5.7 Contractor Five-Year Review Team: Address comments made by the Document Review Committee.

- 4.5.8 Document Review Committee: Approve the Five-Year Review Report when all comments are satisfactorily addressed.

NOTE: *NE-ID may perform their review concurrently with the Document Review Committee review.*

- 4.5.9 Contractor Five-Year Review Team: Submit the draft Five-Year Review Report to NE-ID for review.

- 4.5.10 Address NE-ID review comments to their satisfaction and obtain NE-ID approval.

- 4.5.11 Request NE-ID to transmit the approved draft Five-Year Review Report to the Agencies (EPA and IDEQ) for their review and comment.

- 4.5.12 Contractor Five-Year Review Team: Address Agencies' review comments to the satisfaction of Agency reviewers.

- 4.5.13 Obtain Agency approvals of the Five-Year Review Report.

NOTE: *EPA will forward the Five-Year Review Report and approval memorandum to the EPA headquarters.*

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- 4.5.14 Contractor Five-Year Review Team: Submit finalized copies of the Five-Year Review Report to NE-ID and the Agencies.

NOTE: *The Agencies will submit approval letters to NE-ID. NE-ID will then forward copies of the approval letters to the Contractor Task Lead for WAG Responsibilities.*

- 4.5.15 Contractor Task Lead for WAG Responsibilities: Upon receiving copies of the approval letters from NE-ID, notify the Contractor Five-Year Review Team that the Five-Year Review is complete.

- 4.5.16 Contractor Five-Year Review Team: Submit the finalized Five-Year Review Report to Document Control.

- 4.5.17 Document Control: Issue the Five-Year Review Report.

- 4.5.18 Forward a copy of completed Five-Year Review Report to the AR Coordinator.

4.6 Completion Notification

- 4.6.1 Contractor Five-Year Review Team: Notify Public Affairs that the Five-Year Review is complete.

- 4.6.2 Public Affairs: Draft a Public Notice of completion of the Five-Year Review.

- 4.6.3 Submit the draft Public Notice to the Contractor Five-Year Review Team.

- 4.6.4 Contractor Five-Year Review Team: Review and comment on the draft Public Notice received from Public Affairs.

- 4.6.5 Return Public Notice and comments to Public Affairs.

- 4.6.6 Public Affairs: Address comments from the Contractor Five-Year Review Team.

- 4.6.7 Submit the draft Public Notice to NE-ID for review.

NOTE: *NE-ID will review and comment on the draft Public Notice and return it to Public Affairs.*

- 4.6.8 Public Affairs: Address comments from NE-ID.

- 4.6.9 Obtain NE-ID approval of Public Notice.

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4.6.10 Submit the NE-ID-approved Public Notice to the Contractor Task Lead for WAG Responsibilities for final approval.

4.6.11 Contractor Task Lead for WAG Responsibilities: Approve the Public Notice.

4.6.12 Public Affairs: Issue the finalized Public Notice.

4.6.13 Submit finalized public notice to the AR Coordinator.

4.7 Archiving Five-Year Review Documents to the Information Repository

4.7.1 AR Coordinator: Obtain approval from NE-ID and the Contractor Task Lead for WAG Responsibilities to add the Public Notices and Five-Year Review Report to the IR.

4.7.2 NE-ID and Contractor Task Lead for WAG Responsibilities: Approve addition of the Public Notices and Five-Year Review Report to the IR.

4.7.3 AR Coordinator: Add finalized public notice to Information Repository.

5. RECORDS

Manage the following records according to the instructions in MCP-557, "Managing Records," using the uniform file code identified in the record table below. Retain environmental records using the specified uniform file code, and National Archives and Records Administration (NARA) retention period.

| Records Description | Uniform File Code | Disposition Authority | Retention Period |
|----------------------------------|-------------------|-----------------------|------------------|
| Public Notices | 6102 | ENV1-h-1 | See List 9 |
| Five-Year Review Report | 6102 | ENV1-h-1 | See List 9 |
| Approval and Transmittal Letters | 6102 | ENV1-h-1 | See List 9 |

6. DEFINITIONS

Policy Five-Year Review: A pre- or post-SARA remedial action that, upon completion, will not leave hazardous substances, pollutant, or contaminants on site above levels that allow for unlimited use and unrestricted exposure, but requires five years or more to complete. A pre-SARA remedial action that leaves hazardous substances, pollutants, or contaminants on site above levels that allow for unlimited use and unrestricted exposure (UU/UE).

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Statutory Five-Year Review: A CERCLA required five-year review of a post-SARA remedial action that, upon completion, will leave hazardous substances, pollutants or contaminants on site above UU/UE levels.

7. REFERENCES

EPA, 2001, *Comprehensive Five-Year Review Guidance*, Superfund, EPA 540-R-01-007, U.S. Environmental Protection Agency, June 2001.

MCP-557, "Managing Records," Bechtel BWXT Idaho, LLC, Idaho National Engineering and Environmental Laboratory, current issue.

PLN-476, 2002, "Records Management Plan for the Environmental Restoration Program and Projects," Revision 0, July 3, 2002.

8. APPENDIXES

Appendix A, Five-Year Review Process Overview

Appendix B, Five-Year Review Process

Appendix C, Checklist for Document Review

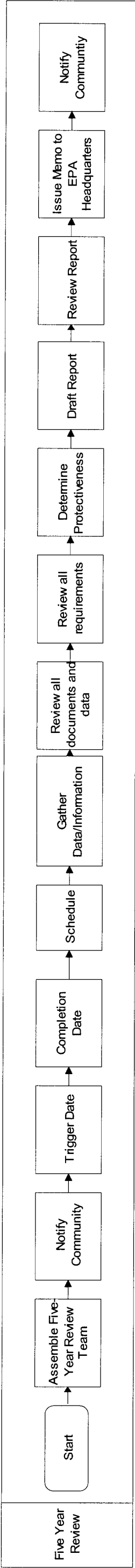
Appendix D, Checklist for Site Contained Within ROD(s)

Appendix E, Procedure Basis

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Appendix A

Five-Year Review Process Overview

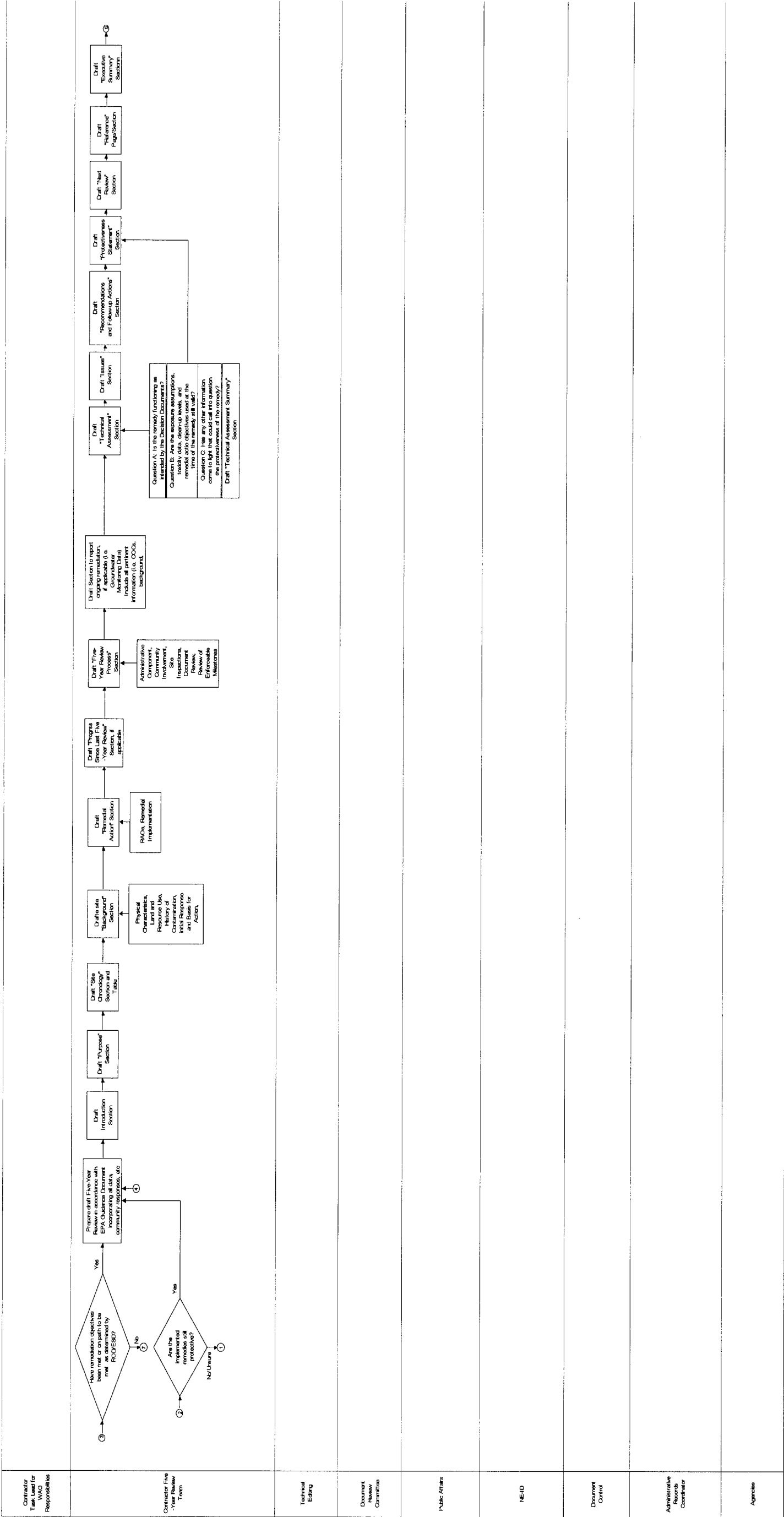


Five-Year Review Process



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Appendix C

Example Checklist for Document Review

| Documents Reviewed for Administrative WAG Closeout | Date Reviewed | Document Number |
|--|----------------------|------------------------|
| Comprehensive ROD | | |
| ROD(s) listed or referenced in the Comprehensive ROD | | |
| ESD(s) | | |
| Remedial Action Report(s) | | |
| Track 1 Investigation(s) | | |
| Track 2 Investigation(s) | | |
| Groundwater Monitoring Plan(s) | | |
| Technical Memorandum(s) | | |
| Five-Year Review(s) | | |
| New Site Identification(s) | | |
| Operations and Maintenance Report(s) | | |
| Institutional Controls Report(s) | | |
| FFA/CO | | |
| Annual Monitoring Reports | | |
| NSI Forms | | |
| <i>List any other applicable documents found during review below</i> | | |
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Appendix D

Example Checklist for Site Contained Within ROD(s)

| ROD | Sites | Requirements |
|------------|--------------|---------------------|
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Appendix E**Procedure Basis**

| Step | Basis | Source Document | Citation |
|------|--|---|----------|
| | <i>“Consistent with Section 121 (c) of CERCLA, U.S.C., §9621 (c), and in accordance with this Agreement, U.S. DOE agrees that the U.S. EPA may review response action(s) for OUs that allow hazardous substances to remain on-site, no less often than every five (5) years after the initiation of the final response action for such OU to assure that human health and the environment are being protected by the response action being implemented.”</i> | FFA/CO, Section XXII Five-Year Review | |
| | <i>“...selects a remedial action that results in hazardous substances, pollutants, or contaminants remaining at the site, the President shall review such remedial action no less often than each five years after the initiation of such a remedial action to assure that human health and the environment are being protected by the remedial action being implemented.”</i> | EPA, 2001, Section 121 | |
| | <i>“This guidance is generally intended to promote consistent implementation of the five-year review process.”</i> | OWSER 9355.7-03B-P, Comprehensive Five-Year Review Guidance | |